

the above-captioned proceeding. Subject to these objections, Complainants will provide documents responsive to this request. See COMPL004662-COMPL005870; COMPL103518-COMPL108750; COMPL319867-COMPL322665; COMPL498378-COMPL508331; COMPL743340-COMPL756231; COX006620-COX006848; WEHCO009752-WEHCO010023.

INTERROGATORY NO. 31: Identify every employee, agent, contractor, subcontractor or consultant who has performed any work, labor, or services for you relating to the safety violations reported to you by EAI or USS.

**RESPONSE:** Complainants will provide documents responsive to this request. See COMPL005871-COMPL007087; COMPL108751-COMPL113323.

Complainants provide the following additional responsive information:

Alliance: Contractor Wolfe-Mac

Comcast: Extreme Cable; Shaneco Construction; KISS; WCAC; Wolfe-Mac; Randy Seale Construction; Pollzzie Communication; Dakota Cable; Graham Contruction; NSC Communication; Dallas Cable (Art Williams); Barry Beard; Planetary Utilities; Daniel Utilities

Cox: No safety violations have been reported to Cox.

Suddenlink: Foster Cable Services- 2300 O'Rear Rd El Dorado, AR 71730 ph 870-546-2300 , Wolfe-Mac- Helena AR, UCI Truevance; Bridgepoint of Arkansas.

WEHCO: WEHCO employees Don McClennen, Tony Allen, Allan Phillips, Royce Murphy, Anthony Rodgers. Contractors: Lesley Contractors- Jerry Lesley JR. and

Jerry Lesley SR.; Haynie Construction; Jim Burk's contractors; Saxton Construction.

INTERROGATORY NO. 32: Identify every agent, contractor, subcontractor or consultant who has performed or provided any work, labor, services or equipment for you relating to any attachment, installation, overlash upgrade, rebuild, modernization, modification, replacement or other maintenance of your Cable Plant.

**RESPONSE:** Complainants object on the grounds that this request is overly broad and not limited in time. Complainants also object that it requests duplicative information. Subject to the foregoing objections, Complainants direct Entergy to their response to Interrogatory No. 31. Additionally, Complainants will provide documents responsive to this request. See COMPL007088-COMPL008301; COMPL113324-COMPL117881. Complainants provide the following additional information:

WEHCO: Employees – John Underhill, Reese Foster Allan Phillips, Royce Murphy, Anthony Rodgers, Gary Wiley. Contractors- Lesley Construction, Saxton Construction, Haynie Construction; Wonder Contractor.

INTERROGATORY NO. 33: Describe in detail the training and qualifications required of your employees, agents, contractors, subcontractors or consultants who have performed or provided any type of work, labor or service relating to your Cable Plant.

**RESPONSE:** Complainants object on the grounds that this interrogatory is not relevant. The training and qualification of its employees, agents, contractors,

subcontractors or consultants is not an issue designated for hearing and is not related to the issues designated for hearing. As a result, Entergy's request beyond the scope of the above-captioned proceeding. Subject to these objections, Complainants will produce documents responsive to this request. See COMPL117882-COMPL117886. Additionally, Complainants provide the following additional information:

Alliance: Alliance requires all employees to be familiar with NESC standards and industry practice. Complainant provides employees with a safety manual which they are required to follow. Additionally, Complainant holds monthly safety meetings to further supplement training for employees.

Comcast: Comcast contracts the services of contractors that are experienced in NESC compliance. Additionally, during interviews with potential employees, Comcast discusses qualifications and training related matters. Comcast supplements employees' existing training with additional periodic in-house training programs, as well as on the job training. Contractors and employees are required to be familiar with NESC standards and industry practice.

WEHCO: WEHCO requires employees to enroll in and attend correspondence courses offered by the National Cable Television Institute ("NCTI"). Additionally, WEHCO provides on-site training to new technicians by pairing new technicians with senior technicians for ride-alongs during the initial employment phase.

Employees are required to be familiar with and to follow NESC standards as well as industry practice.

Suddenlink: Suddenlink requires contractors to comply with NESC standards pursuant to the express terms contained in contracts between the parties.

Additionally, Suddenlink requires contractors to provide it with information regarding the regularly scheduled safety meetings held by contractors and subcontractors. In addition, Suddenlink requires contractors to meet certain minimum standards.

**INTERROGATORY NO. 34:** Identify all documents relating to every inspection, survey, audit, count or inventory ever conducted by you or on your behalf relating to your Cable Plant.

**RESPONSE:** Complainants object on the grounds that this request is overly broad and not limited in time. Subject to the foregoing objections, Complainants will produce documents responsive to this request. See COMPL008302-COMPL014252; COMPL117887-COMPL143531; COMPL328134-COMPL348289; COMPL508332-COMPL537257; COMPL756232-COMPL807165; COMPL964142-COMPL964513; ALLIANCE000936-ALLIANCE00989; COX006849-COX009338; SUDDEN027091-SUDDEN027091-027396; WEHCO010024-WEHCO014751.

**INTERROGATORY NO. 35:** Identify and describe all instances where you contend EAI denied you access to any pole or structure owned or controlled by EAI, whether you contend any such denials were unjust and unreasonable, and the basis for your contentions.

**RESPONSE:** Complainants object on the grounds that this information is equally available elsewhere. The Complaint and accompanying documentation sets forth

the circumstances under which Entergy denied access to the Complainants.

Complainants also object on the grounds that the question is not limited in time or scope. Subject to these objections, Complainants will produce responsive documents. See COMPL143532-COMPL143558; COMPL348290-COMPL348292; COMPL537258; COMPL807166; COMPL964514; WEHCO014752-WEHCO014754.

REQUEST FOR PRODUCTION NO. 1: Produce all documents and tangible objects of every kind that you intend to introduce in evidence or otherwise rely on at the formal hearing of this proceeding before the Administrative Law Judge.

**RESPONSE:** Complainants object to this question on the grounds that this request purports to require Complainants to identify their exhibit list in advance of the date set forth in the ALJ's April 20, 2006 Order. Complainants further object on the grounds that they have not yet completed discovery and is unable at this juncture to identify the documents and tangible objects they will introduce into evidence. Subject to these objections, Complainants states that they may introduce any of the exhibits attached to their Complaint and Reply.

REQUEST FOR PRODUCTION NO.2: Produce all documents and tangible objects of every kind in your possession or under your control relating to the issues to be addressed at the formal hearing before the Administrative Law Judge which are contained in the Hearing Designation Order adopted in this docket on March 1, 2006, DA 06-494.

**RESPONSE:** Complainants object. This interrogatory is overly broad and does not specify with any particularity the documents it asks Complainants to produce.

Subject to these objections, Complainants will produce documents responsive to this request. See COMPL348293-COMPL348296.

REQUEST FOR PRODUCTION NO. 3: Produce all documents relating to every communication identified in your responses to Interrogatories Nos. 7, 8 and 9.

**RESPONSE:** See objections and responses to Interrogatories Nos. 7, 8 and 9. See also COMPL014253-COMPL015246; COMPL143559-COMPL168614;

COMPL235820-COMPL238882; COMPL313590-COMPL313595; COMPL314283-COMPL314290; COMPL322666-COMPL328133; COMPL348297-COMPL373661; COMPL417034-COMPL425205; COMPL537259-COMPL566757; COMPL807167-COMPL854184; COMPL964515-COMPL965532; ALLIANCE000990-ALLIANCE001575; COX009339-COX012411; SUDDEN027397-SUDDEN042252; WEHCO014755-WEHCO020159.

REQUEST FOR PRODUCTION NO. 4: Produce all documents identified in your response to Interrogatory No. 10.

**RESPONSE:** See response to Interrogatory No. 10. See also COMPL015247-COMPL016714; COMPL168615-COMPL170387; COMPL373667-COMPL373677; COMPL566758-COMPL567844; COMPL854185-COMPL854466; COMPL965533-COMPL965602; ALLIANCE001576-ALLIANCE001625; COX012412-COX012562; SUDDEN042253-SUDDEN048126; WEHCO0020160-WEHCO020176.

REQUEST FOR PRODUCTION NO. 5: Produce all documents identified in your responses to Interrogatory Nos. 11 and 13.

**RESPONSE:** Complainants object to the production of the documents identified in Interrogatory No. 11 on the grounds that it would be burdensome and oppressive to review its entire system to determine manufacturers' specifications for every inch of Cable Plant dating back to initial installation. Further, Complainants object on the grounds that the manufacturing specifications are not identified as issues designated for hearing and are not related to issues designated for hearing. See COMPL373878-COMPL373997; COMPL567845-COMPL569713; COMPL854467-COMPL856833; WEHCO020177-WEHCO020255.

REQUEST FOR PRODUCTION NO. 6: Produce all documents identified in your responses to Interrogatory Nos. 14 and 15.

**RESPONSE:** See objections and responses to Interrogatories No. 14 and 15. See also COMPL170388-COMPL174223; COMPL373998-COMPL376817; COMPL569714-COMPL571298; COMPL856834-COMPL867463; COMPL965603-COMPL965704; ALLIANCE001626-ALLIANCE001767; COX012563-COX013216; SUDDEN048127-SUDDEN054470; WEHCO020256-WEHCO020258.

REQUEST FOR PRODUCTION NO. 7: Produce all documents relating to your responses to Interrogatory Nos. 16 and 19.

**RESPONSE:** See objections and responses to Interrogatories Nos. 16 and 19. See also COMPL174224-COMPL174225; COMPL376818-COMPL376822; COMPL571299-COMPL571305; COMPL867464-COMPL867465.

REQUEST FOR PRODUCTION NO. 8: Produce all documents relating to your response to Interrogatory No. 21.

**RESPONSE:** See objections and response to Interrogatory No. 21. See also COMPL174226-COMPL174348; COMPL867466-COMPL867471.

REQUEST FOR PRODUCTION NO. 9: Produce all documents relating to your response to Interrogatory No. 23.

**RESPONSE:** See objections and response to Interrogatory No. 23. See also COMPL016715-COMPL016777; COMPL174349-COMPL175683; COMPL376823-COMPL377277; COMPL571306-COMPL572152; COMPL867472-COMPL868620; COX013217-COX013232; WEHCO020259-WEHCO020471.

REQUEST FOR PRODUCTION NO. 10: Produce all documents identified in your response to Interrogatory No. 25.

**RESPONSE:** See objections and response to Interrogatory No. 25. See also COMPL868621.

REQUEST FOR PRODUCTION NO. 11: Produce all documents relating to your response to Interrogatory No. 26.

**RESPONSE:** See objections and response to Interrogatory No. 26. See also COMPL377278-COMPL377476; COMPL572153-COMPL572161.

REQUEST FOR PRODUCTION NO. 12: Produce all documents relating to your response to Interrogatory No. 28.

**RESPONSE:** See objections and response to Interrogatory No. 28. See also COMPL016778-COMPL016800; COMPL175684-COMPL177211; COMPL377477-COMPL380137; COMPL572162-COMPL575934; COMPL868622-COMPL871052; COX013233-COX013246; WEHCO020472-WEHCO021372.



REQUEST FOR PRODUCTION NO. 13: Produce all documents relating to or identified in your responses to Interrogatory Nos. 29 and 30.

**RESPONSE:** See objections and responses to Interrogatories Nos. 29 and 30. See also COMPL177212-COMPL182724; COMPL380138-COMPL383044; COMPL575935-COMPL584452; COMPL871053-COMPL883945; COX013247-COX13474; WEHCO021373-WEHCO021858.

REQUEST FOR PRODUCTION NO. 14: Produce all documents relating to or identified in your response to Interrogatory No. 34.

**RESPONSE:** See objections and response to Interrogatory No. 34. See also COMPL016801-COMPL023964; COMPL182725-COMPL206023; COMPL383045-COMPL400737; COMPL584453-COMPL611553; COMPL883946-COMPL934406; COMPL965705-COMPL966076; ALLIANCE001768-ALLIANCE001821; COX013475-COX015964; SUDDEN054471-SUDDEN054776; WEHCO021859-WEHCO026586.

REQUEST FOR PRODUCTION NO.15: Produce all documents relating to your response to Interrogatory No. 35.

**RESPONSE:** See objections and response to Interrogatory No. 35. See COMPL206024-COMPL206050; COMPL400738-COMPL400740; COMPL611554; COMPL934407; COMPL966077; WEHCO026587-WEHCO026589.

REQUEST FOR PRODUCTION NO. 16: Produce all documents which you maintain or contend evidence permission, approval or consent for you to attach guy wires to anchors owned or controlled by EAI.

**RESPONSE:** Complainants object on the grounds that it is oppressive and burdensome to require it to produce every permission, approval and consent dating back to the initial installation of the system. Moreover, many, if not all, of the anchor permissions, approvals and consents were made orally without written documentation. Subject to these objections, Complainants will produce documents responsive to this request. See COMPL400741-COMPL400743; COMPL611555-COMPL611558; COX015965; WEHCO026590

REQUEST FOR PRODUCTION NO. 17: Produce all documents which constitute or relate to your construction manuals or books, procedures, policies, standards, specifications, or field practices followed by you to make any attachment of coax or fiber cable, messenger, guy wire, anchor, bracket, bolt, apparatus, power supply, electronic device, or any other equipment or wire associated with attachment of the foregoing to the poles, structures or property owned or controlled by EAI in areas served by you, including without limitation all drafts, revisions, or amendments of these documents.

**RESPONSE:** Complainants object on the grounds that this interrogatory is not relevant. Complainants' construction practices are not an issue designated for hearing and are not related to the issues designated for hearing. As a result, Entergy's request is not relevant and is beyond the scope of the above-captioned proceeding. Subject to these objections, Complainants will provide documents responsive to this request. See COMPL206051-COMPL206071.

**REQUEST FOR PRODUCTION NO. 18:** Produce all documents which constitute or relate to training materials or manuals, safety regulations or codes, internal training or safety manuals, training or safety policies or procedures utilized or implemented by you in making any attachment of coax or fiber cable, messenger, guy wire, anchor bracket, bolt, apparatus, power supply, electronic device, or any other equipment or wire associated with attachment of the foregoing to poles, structures, or property owned or controlled by EAI in areas served by you, including without limitation all drafts, revisions and amendments of these documents.

**RESPONSE:** Complainants object on the grounds that this interrogatory is not relevant. Complainants' training practices are not an issue designated for hearing and are not related to the issues designated for hearing. As a result, Entergy's request is not relevant and is beyond the scope of the above-captioned proceeding. Subject to these objections, Complainant will provide documents responsive to this request. See COMPL206072-COMPL206092.

**REQUEST FOR PRODUCTION NO. 19:** Produce all documents which constitute or relate to applications for permits, notification of any upgrade, rebuild, overlash, modernization, modification, replacement, or removal submitted by you to EAI for any attachment of your Cable Plant, including without limitation all construction detail drawings, maps, studies, diagrams, schematics or depictions.

**RESPONSE:** Complainants object to this request on the grounds that this information is equally available from Entergy's own files. Subject to the foregoing objections, Complainants will produce documents responsive to this request. See

COMPL206093-COMPL209991; COMPL400744-COMPL406989; COMPL611559-  
COMPL612170; COMPL934408-COMPL934763; COMPL966078-COMPL966123;  
ALLIANCE001822-ALLIANCE001854; COX015966-COX016052; SUDDEN054777-  
SUDDEN054778; WEHCO026591-WEHCO027068.

REQUEST FOR PRODUCTION NO. 20: Produce all permits for every attachment of your Cable Plant approved or issued by EAI.

**RESPONSE:** Complainants object to this request on the grounds that it is duplicative of Request No. 19. Complainants also object on the grounds that these documents are equally available from Entergy's own files. Subject to these objections, Complainants will produce documents responsive to this request. See COMPL209992-COMPL210641; COMPL406990-COMPL406997; COMPL612171-COMPL612395; COMPL934764-COMPL934798; COMPL966124-COMPL966134; ALLIANCE001855-ALLIANCE001912; COX016053-COX016155.

REQUEST FOR PRODUCTION NO. 21: Produce all documents which constitute or relate to applications for permits submitted by you or on your behalf to EAI which you contend were unreasonably denied or refused by EAI.

**RESPONSE:** Complainants object on the grounds that the documents requested are duplicative of those requested in Request No. 19. Subject to these objections, Complainants will produce documents responsive to this request. See COMPL210642-COMPL210772; COMPL406998-COMPL407002; COMPL612396-COMPL612458; COMPL934799-COMPL934801; COMPL966135.

REQUEST FOR PRODUCTION NO. 22: Produce all documents in your possession or under your control as of December 31, 2001 that relate to or identify attachment of Cable Plant to poles, structures or property owned or controlled by EAI, including without limitation all construction strand maps, facilities maps, diagrams, schematics, drawings, or other materials.

**RESPONSE:** Complainants object on the grounds that this request, combined with Request No. 23, is oppressive and burdensome in that it seeks to impose arbitrary divisions in Complainants' records that otherwise do not exist. In addition, this request is duplicative of Request No. 4. Subject to the foregoing objections, Complainants will produce documents responsive to this request. See COMPL023965-COMPL025842; COMPL210773-COMPL216559; COMPL407003-COMPL413993; COMPL612459-COMPL631098; COMPL934802-COMPL962414; COMPL966136-966439; ALLIANCE001913-ALLIANCE001947; COX016156-COX016520; SUDDEN054779-SUDDEN054795; WEHCO027069-WEHCO028018.

REQUEST FOR PRODUCTION NO. 23: Other than documents furnished to you by EAI or USS, and documents produced in response to Request No. 22, produce all documents in your possession or under your control as of this date that relate to or identify attachment of Cable Plant to poles, structures or property owned or controlled by EAI including without limitation construction strand maps, facilities maps, diagrams, schematics, drawings, or other materials.

**RESPONSE:** See objections and response to Request no. 22. See also COMPL000002-COMPL000003; COMPL025843-COMPL025844; COMPL216560-

COMPL222383; COMPL413994-COMPL417033; COMPL631099-COMPL631343;  
WEHCO028019-WEHCO028035.

REQUEST FOR PRODUCTION NO. 24: Produce all documents furnished to you by EAI or USS relating to attachment of Cable Plant to poles, structures or property owned or controlled by EAI, including without limitation maps, diagrams, schematics, drawings, depictions, surveys, audits or reports.

**RESPONSE:** Complainants object to this request on the grounds that the documents are equally available from Entergy's own files. Complainants also object on the grounds that this request is duplicative of Request No. 4. Subject to the foregoing objections, Complainants will produce documents responsive to this request.

REQUEST FOR PRODUCTION NO. 25: Produce all documents relating to any studies, reports, tests, or analyses performed by you or on your behalf relating to every attachment of Cable Plant to poles, structures or property owned or controlled by EAI, including without limitation engineering studies or documentation to evaluate wind and weight pole loading.

**RESPONSE:** Complainants object on the grounds that it is oppressive and burdensome to require it to produce every report, test or analysis dating back to the initial installation of the system. In addition, this request seeks documents duplicative of those requested in Request No. 19. Subject to these objections, Complainants will produce documents responsive to this request. See COMPL222384-COMPL226713.

REQUEST FOR PRODUCTION NO. 26: Produce all documents relating to agreements between you and every entity other than EAI allowing you to attach coax or fiber cable, messenger, guy wire, anchor, bracket, bolt, apparatus, power supply, electronic device, or any other equipment or wire associated with attachment of the foregoing to any pole or structure belong to that entity including without limitation all drafts, revisions, or amendments of such agreements.

**RESPONSE:** Complainants object on the grounds that this request is oppressive and burdensome in that it is not limited in either geographical scope or time. Complainants also object on the grounds that this request is not relevant. Whether other entities' pole attachment agreements are just or reasonable are not at issue in this hearing.

REQUEST FOR PRODUCTION NO. 27: Produce all documents relating to agreements or contracts between you and every agent, contractor, subcontractor, consultant, or other person or entity who has ever performed or provided any work, labor, or service relating to attachments of Cable Plant, installation, upgrades, rebuilds, overlash, modernizations, modifications, replacement of Cable Plant, or safety violations reported to you by EAI or USS.

**RESPONSE:** Complainants object on the grounds that this request is oppressive and burdensome in that it is not limited in either geographical scope or time. Complainants also object on the grounds that this request is not relevant. The substance of Complainants' agent, contractor and subcontractor agreements are not

designated for hearing and are not related to issues designated for hearing. See COMPL226714-COMPL231266.

REQUEST FOR PRODUCTION NO. 28: Produce all documents relating to every agreement, contract, instrument, or other documentation for the purchase or sale of any Cable Plant involved in this proceeding or the rights to provide cable services within any geographic area with attachment of Cable Plant involved in this proceeding.

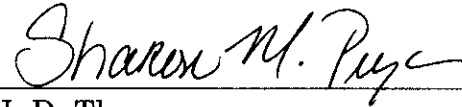
**RESPONSE:** Complainants object on the grounds that this request is oppressive and burdensome in that it is not limited in time. Complainants also object on the grounds that this request is not relevant. The ownership of the cable television systems and the right to provide cable services in any particular geographic area is neither in dispute, designated for hearing, nor related to issues designated for hearing.

REQUEST FOR PRODUCTION NO. 29: Produce all documents relating to agreements between you and Utility Consultants, Inc. ("UCI") or any other agent, contractor, subcontractor or consultant utilized for work on poles, structures, or property owned or controlled by EAI, including but not limited to, contracts, exhibits, schedules, attachments, diagrams, addendums, and modifications.

**RESPONSE:** Complainants object on the grounds that this request is duplicative of Request No. 27. See objections and response to Request No. 27. See also COMPL231267-COMPL235819.



ARKANSAS CABLE  
TELECOMMUNICATIONS ASSOCIATION;  
COMCAST OF ARKANSAS, INC.; BUFORD  
COMMUNICATIONS I, L.P. D/B/A  
ALLIANCE COMMUNICATIONS NETWORK;  
WEHCO VIDEO, INC.; COXCOM, INC.;  
AND CEBRIDGE ACQUISITION, L.P., D/B/A  
SUDDENLINK COMMUNICATIONS



J. D. Thomas  
Paul A. Werner III  
Sharese M. Pryor  
Hogan & Hartson L.L.P.  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004-1109  
*Telephone:* (202) 637-5600  
*Facsimile:* (202) 637-5910  
jdthomas@hhlaw.com  
pawerner@hhlaw.com  
smpryor@hhlaw.com

October 6, 2006

Its Attorneys

## CERTIFICATE OF SERVICE

I, Christine Reilly, hereby certify that on October 6, 2006, a copy of the foregoing COMPLAINANTS' SIXTH AMENDED RESPONSES TO ENTERGY'S FIRST INTERROGATORIES AND REQUESTS FOR PRODUCTION were hand-delivered, and/or placed in the United States mail, and/or sent via electronic mail, postage prepaid, to:

Marlene H. Dortch (*Orig. & 3 copies*)

*Secretary*

Federal Communications Commission

445 12<sup>th</sup> Street, S.W.

Room TW-A325

Washington, D.C. 20554

The Honorable Arthur I. Steinberg \*\*

Administrative Law Judge

Office of the Administrative Law Judge

Federal Communications Commission

445 Twelfth Street, S. W.

Washington, D. C. 20554

Shirley S. Fujimoto, Esquire \*\*

David D. Rines, Esquire

McDermott Will and Emery LLP

600 Thirteenth Street, N.W.

Washington, D.C. 20005

Wm. Webster Darling, Esquire (overnight delivery) \*\*

Entergy Services, Inc.

425 W. Capitol Avenue

P.O. Box 551

Little Rock, Arkansas 72203

Stephen R. Lancaster (overnight delivery)\*\*

WRIGHT, LINDSEY & JENNINGS LLP

200 West Capitol Avenue, Suite 2300

Little Rock, AR 72201-3699

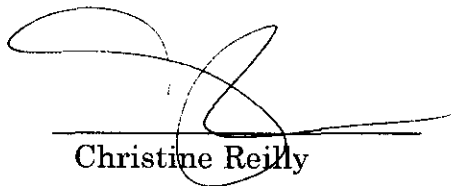
Gordon S. Rather, Jr. (overnight delivery) \*\*  
Michelle M. Kaemmerling  
Wright, Lindsey & Jennings LLP  
200 West Capitol Avenue  
Suite 2300  
Little Rock, AR 72201-3699

Kris Monteith \*\*  
Alex Starr  
Lisa Saks  
Michael Engel  
Federal Communications Commission  
Enforcement Bureau  
Market Disputes Division  
445 Twelfth Street, S. W.  
Washington, D. C. 20554

Best Copy and Printing, Inc.  
Federal Communications Commission  
Room CY-B402  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

Federal Energy Regulatory Commission \*  
888 First Street, NW  
Washington, D.C. 20426

Arkansas Public Service Commission \*  
1000 Center Street  
Little Rock, AR 72201



Christine Reilly

\* Served via U.S. Mail

\*\* Also served via Electronic Mail